



CITY OF TAUNTON PATHWAYS COMMITTEE

*Taunton City Hall
141 Oak St. Taunton, MA 02780*

*pathwayscommittee@taunton-ma.gov
www.taunton-ma.gov/pathways-committee*



*Phillip Duarte
Chair*

*phillipduarte67@gmail.com
(774) 218-5107*

July 18, 2019

Honorable Council President Jeffrey S. Postell
Members of the Municipal Council
Temporary City Hall - 141 Oak St.
Taunton, MA 02780

RE: Taunton River Trail Eminent Domain Taking

Dear Council President Postell and Members of the Municipal Council,

As you know, the Pathways Committee has been working diligently to bring a multi-use biking and walking path to the City of Taunton, in particular from the new Weir Village Riverfront Park and along an abandoned former railroad bed to Railroad Avenue, a span of approximately 2.0 miles. We have been successful in winning the support of the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs, which has green-lighted approximately \$3.9 million toward the design and construction of our project. The TMLP has generously agreed to provide access over the abandoned railroad bed and over its property outside the Cleary Flood Generating Station. We have been working with the landscape architecture and planning firm Brown, Richardson & Rowe and engineers at Stantec, who are undertaking the design and engineering of the project.

I write to you today because we require the assistance of the Municipal Council. In order for the path to connect to the railroad bed from West Water Street, the plan calls for the path to traverse private property. The City already has a drainage easement in the vicinity, and the path will partly, but not entirely, run along the drainage easement. Despite a variety of attempts over the past year, our efforts to initiate a conversation with the property owner regarding the use of the property have not been successful. First Assistant City Solicitor Daniel de Abreu suggested that one possible course of action would be for the City to use its eminent domain powers to take the property interest necessary. Will the Council please consider using the City's powers of eminent domain to allow the bike path to connect from West Water Street to the railroad bed? An easement along West Water Street and then across the property to the railroad bed will be required. Despite the existence of the drainage easement, an additional grant of easement will likely be required for bike path purposes. All that is required at this point is for the Council to give its support for exploring this possibility further. With the Council's support, the Committee

will then work with the Law Department and the design team to have a plan created and an appraisal completed, which would enable the Council to see the precise location of and anticipated cost of the taking. With that information, I would return to the Council and request that the Council approve the eminent domain taking and appropriate the necessary funds. Please see herewith a sketch of the property that shows the general location of the proposed bike path for which the easement would be required. Again, all that I am requesting at this point is that the Council approve the creation of a plan and an appraisal. Mayor Hoyer has indicated his support for this project and possible approach toward this right-of-way transaction. Please be advised that an easement will also be required from TMLP, but it is expected that such an easement will be voluntarily granted. Finally, it is possible that an easement will be required from Columbia Gas (formerly Brockton Taunton Gas Co.), but we will reach out to the gas company.

Sincerely,

Phillip Duarte
Chair, Pathways Committee
City of Taunton